



Attorney's Docket No. 045600/274139

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Carozzi et al
Confirmation No.: 5828
Appl. No.: 10/782,020
Art Unit: 1638
Filed: February 19, 2004
Examiner: Not Assigned
For: AXMI-004 A DELTA-ENDOTOXIN GENE AND METHODS FOR ITS USE

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT
CITATION UNDER 37 C.F.R. § 1.97**

Sir:

Attached is a list of documents on form PTO-1449. In accordance with the Office waiver published July 11, 2003, copies of the cited U.S. patents and patent application publications are not enclosed. Applicant does enclose copies of any cited foreign patent documents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

It is requested that the Examiner consider these documents and officially make them of record in accordance with the provisions of 37 C.F.R. § 1.97 and Section 609 of the MPEP. By submitting the listed documents, Applicant in no way makes any admission as to the prior art status of the listed documents, but is instead submitting the listed documents for the sake of full disclosure.

Respectfully submitted,

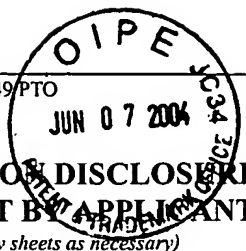
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<p>Customer No. 00826 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260</p>	<p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 4, 2004 <i>Nora C Martinez</i> Nora C. Martinez</p>
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Substitute for form 1449 PTO
(Revised 04/2003)

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use as many sheets as necessary)



Complete if Known

Application Number	10/782,020
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First Named Inventor	Carozzi et al.
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Sheet	1	of	2
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U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	Document Number Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages of Relevant Figures Appear
	1	US-5,866,784	02-02-1999	Van Mellaert <i>et al.</i>	
	2	US-5,908,970	06-01-1999	Van Mellaert <i>et al.</i>	
	3	US-6,172,281	01-09-2001	Van Mellaert <i>et al.</i>	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Document Country Code - Number Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	English Language Translation Attached

OTHER DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	English Language Translation Attached
	4	HONÉE, G., <i>et al.</i> , "Nucleotide Sequence of Crystal Protein Gene Isolated from <i>B. thuringiensis</i> subspecies <i>entomocidus</i> 60.5 Coding for a Toxin Highly Active Against <i>Spodoptera</i> Species," <i>Nucleic Acids Research</i> , May 13, 1988, p. 6240, Vol. 16, No. 13	
	5	SANCHIS, V., <i>et al.</i> , "Nucleotide Sequence and Analysis of the N-terminal Coding Region of the <i>Spodoptera</i> -active δ -endotoxin Gene of <i>Bacillus thuringiensis aizawai</i> 7.29," <i>Mol. Microbiol.</i> , 1989, pp. 229-238, Vol. 3, No. 2	
	6	NCBI Database Report for Accession No. AAA22343, 1991	
	7	NCBI Database Report for Accession No. AAF37224, Direct Submission on December 14, 1999	
	8	NCBI Database Report for Accession No. AAM00264, Direct Submission on March 16, 2001	
	9	NCBI Database Report for Accession No. AAN16462, Direct Submission on August 22, 2002	

Examiner Signature		Date Considered	
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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OTHER DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	English Language Translation Attached
	10	NCBI Database Report for Accession No. CAA65457, Direct Submission on March 18, 1996	

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